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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/083,287	02/26/2002	Curtis A. Milton	. 4135	
7	590 12/19/200		EXAM	INER
John Wiley Horton, Attorney			NGUYEN, TAM M	
Pennington, Moore, Wilkinson,			ART UNIT	PAPER NUMBER
Bell & Dunbar, P.A. 215 S. Monroe St., 2nd Floor			3764	- TATER NOMBER

DATE MAILED: 12/19/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Application No. Application No. Applicant(s)		1	\mathcal{O}				
Examiner Tam Nguyen 3764 376	ř	Application No.	Applicant(s)				
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Application/Control Number: 10/083,287

Art Unit: 3764

DETAILED ACTION

Claim Objections

1. Claim 5 is objected to because of the following informalities:

It appears that claim 5 should depend on claim 4, not claim 6.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claim 1 and 2 are rejected under 35 U.S.C. 102(b) as being anticipated by Hoffend (5,782,447).

- 2. As to claim 1, Hoffend discloses an anchor bracket comprising a rear wall (18), a front wall (16), a top wall (20), a clamping means (22,24) and at least one attach point proximate said front wall to allow attachment of a swimming exercise apparatus (see Fig. 4, & Col. 1, lines 66+).
- 3. As to claim 2, Hoffend discloses an anchor bracket as described above. Hoffend further discloses that the clamping means comprises an internally threaded hole and a threaded shaft capable of clamping the anchor to a lip of a swimming pool (see Fig. 4 & Col. 2, lines 41-44).

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Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hoffend (5,782,447).

4. As to claim 3, Hoffend discloses an anchor bracket as described above (see discussion of claim 2). Hoffend further discloses that the shaft includes a handle (enlarged portion of the screw) but not a base as substantially claimed (see Fig. 4). The examiner takes Official Notice that the prior art includes clamps having threaded shafts with bases that are rotationally displaced relative to the shafts. At the time of the invention, it would have been obvious to a person of ordinary skill in the art to add such bases to Hoffend's threaded shafts so as to protect the pool edge while providing the anchor with a secure fit.

Claims 4, 6 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mac Lennan (5,236, 404) in view of Hoffend (5,782,447).

- 5. As to claim 4, MacLennan discloses a swimming exercise device as substantially claimed but MacLennan's anchor bracket does not have the claimed structure (see Fig.
- 1). Hoffend discloses an anchor structure as substantially claimed (see Fig. 4). At the time of the invention, it would have been obvious to a person of ordinary skill in the art to substitute MacLennan's anchor means (24) with Hoffend's anchor bracket means

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since both anchor means are functionally equivalent in providing a sturdy support to the user and the latter anchor means does not require a pool ladder to be anchored.

6. As to claims 6 and 7, MacLennan and Hoffend disclose a swimming exercise device as substantially claimed as described above (see discussion of claim 4(, except now, the bow (14) is connected directly to the anchor in cylindrical grooves (84,86) (see Fig. 4).

Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Mac Lennan (5,236, 404) in view of Hoffend (5,782,447) and in further view of Milton (6,251,049).

7. As to claim 5, MacLennan and Hoffend disclose a modified swimming exercise device as described above (see discussion of claim 4). MacLennan's does not discloses that the bow (14) may bend substantially. Milton discloses a bow that may bend substantially as claimed. At the time of the invention, it would have been obvious to a person of ordinary skill in the art to substitute MacLennan's bow with Milton's bow since the structures are considered to be functionally equivalent in proving as connection means for the belt harness to the anchoring means.

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Hohwart '416 discloses a swim harness attached to a pool anchor that is secured to the edge of the pool with a clamp (see Fig. 1).

Schmitt '096

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Hohwart '657

Yacoboski '863

Baldwin '641

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tam Nguyen whose telephone number is 703-305-0784. The examiner can normally be reached on M-F.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0858.

> SUPERVISORY PATENT EXAMINER **TECHNOLOGY CENTER 3700**

December 11, 2003